REMARKS

Claims 29 - 44 are pending. Claims 43 and 44 have been added. Claims 29 - 32 and 36 - 41 have been amended. No new matter has been added. Reexamination and reconsideration of the submitted claims is respectfully requested.

In the final November 30, 2004 Office Action, the Examiner rejected claims 29 - 42 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,991,810 to Shapiro et al ("the Shapiro reference") in view of U.S. Published Patent Application No. 2002/0090114 to Rhoads et al. ("the Rhoads reference"). This rejection is respectfully traversed in so far as applicable to the presently pending claims.

Independent claim 29 recites:

> A method of providing media content to a subscriber utilizing a client computer, the method comprising:
> receiving a request, at a local server, from the subscriber utilizing the client computer, for retrieval of media content;
> transmitting the request for the media content to a remote server, the request including encoded data identifying the subscriber; and
> receiving a digitized content file from the remote server at the local server, **the digitized content file including a combination of the media content requested by the subscriber and the encoded data identifying the subscriber that was transmitted with the request for the media content**.

The Shapiro reference in combination with the Rhoads reference does not disclose, teach, or suggest the method of independent claim 29. The Examiner states that the Shapiro reference discloses receiving a request at a local server for retrieval of media content, transmitting the request to a remote server (the request including encoded data identifying the subscriber), and receiving digitized content from the local server. (Office Action, page 2). The Examiner also states that the Shapiro reference does not explicitly disclose that the digitized content from the remote server includes a

combination of the requested media and encoded data identifying the subscriber.

(Office Action, page 2). The applicants agree with the Examiner.

The Shapiro reference discloses only that a local server, i.e., the proxy cache server, reads usernames appended to requests to either accept or deny access to the requested information based on predetermined access control guidelines relative to the specific username. If access is permitted, then the proxy cache server transmits the requested site information to the client from its cache memory. If the requested site information is not currently stored in the cache, then the proxy cache server's application opens a TCP/IP link with the remote site over the Internet, retrieves the site information, stores it in a cache, and transmits the information from the cache to the client. *(Shapiro, Abstract; Summary of the Invention, col. 2, lines 10 - 42).* Thus, the Shapiro reference does not disclose that the **request to the remote site for information includes encoded data identifying the subscriber**, as is recited in independent claim 29, as amended, because no user information is included. Further, as the Examiner states on page 2 of the Office Action and as discussed above, there is no disclosure that **the digitized content file includes both the media content file and encoded data identifying the subscriber**. Accordingly, claim 29, as amended, distinguishes over the Shapiro reference.

The Rhoads reference does not make up for the deficiencies of the Shapiro reference. The Examiner states that the Rhoads reference discloses that encoded or watermarking information, can be embedded into a video file, where the watermarking information includes user information with the media content. *(Office Action, page 2).* Based on this disclosure, the Examiner states that it would have been obvious to one of

skill in the art to modify the Shapiro reference with the Rhoads inventive concept in order to enhance system capability, such as enabling a server to control and mange the client device through the embedded information. *(Office Action, page 3)*. The applicants understand the Examiner's arguments, but respectfully disagree.

The Rhoads reference does not disclose, teach, or suggest the receiving of a digitized content file from the remote server at the local server, **the digitized content file including a combination of the media content requested by the subscriber and the encoded data identifying the subscriber that was transmitted with the request for the media content**. In the previous Office Action dated March 4, 2004, the Examiner states that the "Rhoads reference does not explicitly disclose that the embedded information (the watermark) is information identifying a subscriber." *(March 4 Office Action, page 3)*. The applicants agree with this statement by the Examiner. The Rhoads reference discloses that a watermark can be embedded in a file. The Rhoads reference also discloses that the watermark can include information about a video object (like a character, prop, or graphic) in the video file or that the watermark can include information on how to gain access to information regarding the video object (such as a dynamic link to a web site that provides information about the object). The Rhoads reference is mainly directed to encoding the watermark into the video content and decoding the watermark from the video content. There is no disclosure of transmitting **a request for the media content to a remote server, the request including encoded data identifying the subscriber; and receiving a digitized content file from the remote server at the local server, the digitized content file including a combination of the media content requested by the subscriber and**

the encoded data identifying the subscriber that was transmitted with the request for the media content, as is recited in independent claim 29, as amended. The Rhoads reference never discloses that its watermark, akin to claim 29's encoded data, identifies the subscriber. Instead, the watermark in the Rhoads includes information about objects in the video file. Accordingly, claim 29, as amended, distinguishes over the Rhoads reference, alone or in combination, with the Shapiro reference.

Independent claim 36, as amended, recites similar limitations to independent claim 29. Accordingly, applicants respectfully submit that independent claim 36 distinguishes over the Shapiro and the Rhoads references, alone or in combination, for similar reasons as discussed above in regard to claim 29.

Claims 30 - 35 and 37 - 42 depend, directly or indirectly on independent claims 29 and 36, respectively. Accordingly, applicants respectfully submit that claims 30 - 35 and 37 - 42 distinguish over the Shapiro and the Rhoads references, alone or in combination, for the same reasons as discussed above in regard to independent claims 29 and 36.

Dependent claim 31 further distinguishes over the Shapiro and Rhoads references. Dependent claim 31 recites:

> The method of claim 29, further including storing the digitized **content file on a dedicated partition of a disk drive of the client computer,** the digitized content file including the media content requested by the subscriber and the encoded data identifying the subscriber, **the dedicated partition of the disk drive being inaccessible by the subscriber utilizing the client computer.**

The Examiner states that the Shapiro reference discloses that the proxy server stores the content in cache memory that is only accessible by authorized user. *(Office*

Action, page 3). The Shapiro reference discloses that the user can access the proxy cache memory if the username is in a lookup table. If the username is located, the proxy cache server examines its web page data block in memory to determine if the file is available locally. *(Shapiro, col. 5, lines 35 - 52).* This is not the same as storing the digitized **content file on a dedicated partition of a disk drive of the client computer, the dedicated partition of the disk drive being inaccessible by the subscriber utilizing the client computer.** There is no disclosure that the Shapiro reference is storing the digitized content file on a dedicated partition of a disk drive of the client computer, which would be the gateway client of the Shapiro reference. Instead, the content file is stored in the memory of a proxy cache server, which is akin to the local server of claim 31. Further, there is no disclosure that a dedicated partition is established on the Shapiro gateway client for digitized content files. Accordingly, claim 31, as amended, further distinguishes over the Shapiro reference.

The Rhoads reference does not disclose the storing of a digitized content file on a dedicated partition of a disk drive of a client computer. Accordingly, claim 31, as amended, further distinguishes over the Rhoads reference, alone or in combination with the Shapiro reference.

Dependent claim 38 recites limitations similar to dependent claim 31. Accordingly, claim 38 further distinguishes over the Shapiro reference, alone or in combination with the Rhoads reference, for reasons similar to those discussed above in regard independent claim 31.

Dependent claim 32 further distinguishes over the Shapiro and Rhoads reference. Dependent claim 32 recites:

The method of claim 31, further including removing the digitized content file from the dedicated partition of the disk drive once a subscription period has expired.

The Examiner states that the Shapiro reference proxy server deletes expired content. *(Office Action, page 3)*. Specifically, the Shapiro reference discloses that web pages are provided with expiration dates. The proxy cache server polls for expired web page data and deletes data based on a variety of predetermined parameters. *(Shapiro, col. 6, lines 4 - 12)*. This is not the same as **removing a digitized content file once a subscription period has expired**. The Shapiro reference does not disclose the use of a subscription period. Instead, the proxy cache server is analyzing whether a page has expired. In other words, the Shapiro proxy cache server is analyzing whether the content is old and does not delete the file based on whether the subscriber has renewed a subscription, as is recited in claim 32. Accordingly, applicants respectfully submit that claim 32, as amended, distinguishes over the Shapiro reference.

The Rhoads reference does not disclose the removing or deleting of content files once a subscription period has ended. Accordingly, applicants respectfully submit that claim 32 further distinguishes over the Rhoads reference, alone or in combination with the Shapiro reference.

Claim 39 recites limitations similar to dependent claim 32. Accordingly, applicants respectfully submit that claim 39 distinguishes over the Shapiro and Rhoads references, alone or in combination, for similar reasons as those discussed above in regard to claim 32.

New independent claim 43 distinguishes over the cited references. Independent claim 43 recites:

A method of providing media content to a subscriber utilizing a client computer, the method comprising:

receiving a request from the subscriber, at a remote server, for retrieval of the media content, wherein the request includes data identifying the subscriber;

retrieving the media content, the media content being in a compressed format;

decompressing the media content file to create a decompressed media content file; and

inserting a watermark into the decompressed media content file, the watermark including the data identifying the subscriber, to create a combined media content file including the watermark and the decompressed media file.

The Shapiro reference does not disclose, teach, or suggest the method of claim 43. The Shapiro reference does not disclose the use of a watermark and also does not disclose the inserting of a watermark into a media content file to create a combined media content file including the watermark and the decompressed media file. Accordingly, applicants respectfully submit that claim 43 distinguishes over the Shapiro reference.

The Rhoads reference does not make up for the deficiencies of the Shapiro reference. As discussed above, the Rhoads reference does not disclose that **a request includes information identifying a subscriber**, as is recited in claim 43. Further, the Rhoads reference does not disclose that the **watermark includes data identifying the subscriber**, as recited in claim 43 because the Rhoads reference discloses only that the watermark includes information about objects in the video or the video itself. Accordingly, applicants respectfully submit that claim 43 distinguishes over Rhoads reference, alone or in combination, with the Shapiro reference. Claim 44 depends on claim 43. Accordingly, applicants respectfully submit that claim 44 distinguishes over the Shapiro and Rhoads references, alone or in combination, for the same reasons as
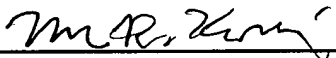
discussed above in regard to claim 43.

Applicants believe that the foregoing amendments place the application in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.
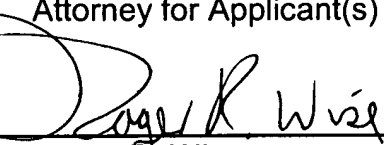
Respectfully submitted,

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